

Tuesday, May 20, 2014

The Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, met in regular session at 9:00 AM.

PRESENT: Supervisors: Frank R. Mecham, Adam Hill, Caren Ray, Debbie Arnold and Chairperson Bruce S. Gibson

ABSENT: None

THE PLEDGE OF ALLEGIANCE IS LED BY CHAIRPERSON BRUCE S. GIBSON.

Consent Agenda – Review and Approval:

1-17. This is the time set for consideration of the Consent Agenda.

Chairperson Gibson: opens the floor to public comment.

The action taken for Consent Agenda items 1 through 17 on the following vote is indicated for each item.

Motion by: Adam Hill
Second by: Debbie Arnold

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Items Set for Hearing:

1. Introduction of an ordinance adding a new Title of the San Luis Obispo County Code, requiring the filing of campaign statements and reports solely in electronic form, including certain exemptions. Hearing date set for Tuesday, June 3, 2014. All Districts.

The Board approves as recommended by the County Administrative Officer.

2. Request to set a hearing to consider the Temporary Commercial Outdoor Entertainment License Application by Forever Never Land, LLC. Hearing date set for Tuesday, June 3, 2014. District 3.

Ms. Valerie Wang: speaks.

This item is amended to include additional support documents. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

Bid Opening:

3. Letter transmitting plans and specifications (Clerk’s File) for removal and replacement of the security fence at the Lopez Water Treatment Plant, Arroyo Grande, for Board approval and advertisement for construction bids. Bid opening date set for Thursday, June 19, 2014. Districts 3 and 4.

The Board approves as recommended by the County Administrative Officer.

4. Request to authorize a budget adjustment in the amount of \$650,000 from Fund Center (FC) 305 - Parks Project Reserves to FC 230 - Capital Projects to fund repairs of the Cayucos Pier; and transmit plans and specifications (Clerk's File) for approval and advertisement for construction bids. Bid opening date set for Thursday, July 10, 2014. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Auditor - Controller - Treasurer - Tax Collector Items:

5. Submittal of a resolution to change officers authorized to direct the transfer of Tobacco Settlement Funds. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-115, adopted.

6. Submittal of a resolution to change the composition of the Debt Advisory Committee membership due to the consolidation of the Offices of the Auditor-Controller and Treasurer-Tax Collector. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-116, adopted.

7. Request to approve a tipping fee increase to the Public and Commercial rates, proposed by Chicago Grade Landfill. Districts 1 and 5.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - Clerk-Recorder Items:

8. Request to declare the results of the May 6, 2014 Special Tax Election held in the Leonard Place Road Improvement Zone of County Service Area No. 21. District 2.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda - General Services Agency Items:

9. Request to approve a concession contract with EcoLearn LLC dba Vista Lago Adventure Park for the construction and operation of an aerial challenge course concession at Lopez Lake Recreational Area. District 4.

Mr. Larry Laquinto – General Services Agency: amends this item to title Attachment 2 of the staff report “Exhibit A.”

This item is amended by adding the title of “Exhibit A” to Attachment 2 of the staff report. Further, the Board approves as recommended by the County Administrative Officer and as amended by this Board.

10. Submittal of a resolution accepting a grant award up to \$350,000 from the California Coastal Conservancy for the purpose of improving public coastal access at Pirates’ Cove and the Cave Landing area, near Avila Beach, and request to authorize a corresponding budget adjustment in the amount of \$350,000 from unanticipated revenues to Fund Center 230- Capital Projects to construct Cave Landing Trail. District 3.

Mr. Lucas Carlow and Mr. Erik Howell: speak.

Board Members: address the concerns brought up during public comment, with Mr. Curtis Black – General Services Agency Parks Deputy Director and Mr. Dave Flynn – Public Works responding.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-117, adopted.

11. Submittal of a resolution to initiate proceedings for the dissolution of San Luis Obispo County Service Area No. 17 in California Valley and to designate the remaining fund balance be used for public facilities in or within 10 miles of the service area; and authorize a budget adjustment of approximately \$105,000 for repairs to the Simmler Community Building located at 10750 Carrisa Highway in Simmler. District 5.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-118, adopted.

12. Request to approve a resolution to surplus and transfer ownership of 335 computer workstations: 235 to Cuesta College and 100 to the Lucia Mar Unified School District for educational purposes. All Districts.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-119, adopted.

Consent Agenda - Public Works Items:

13. Submittal of right of way documents accepting conveyance from SLO Buckley Properties, LLC, and from Dolphin Investments for the Buckley Road Widening Project, San Luis Obispo. District 3.

The Board approves as recommended by the County Administrative Officer.

14. The following parcel map has been received and has satisfied all the conditions of approval that were established at the public hearing for Parcel Map CO 11-0022, a proposed subdivision resulting in 2 lots by Nancy Jayne Cherry and Barbara Irene Condon, Trustees of the Jack G. and Marjorie M. Allen Living Trust, Templeton, District 1.

The Board approves as recommended by the County Administrative Officer.

15. Request for authorization of a Change Order for the Project Collection System Areas B & C Contract in the amount of \$180,000 for additional collection system work, Los Osos Wastewater Project, Los Osos. District 2.

Mr. Tom Salmon; Mr. Richard Margetson; Ms. Julie Tacker; and Ms. Linde Owen: speak, with Mr. John Waddell – Public Works responding.

The Board approves as recommended by the County Administrative Officer.

16. Request to approve Amendment No. 6 to a Cooperative Funding Agreement with San Luis Obispo Council of Governments; authorize a budget adjustment, in the amount of \$165,000, to increase the appropriation and associated funding for “Cambria and Nipomo Park and Ride Lots” and \$200,000 to increase the appropriation and associated funding for “Price Canyon Road Phase II”, for a total budget adjustment of \$365,000. Districts 2, 3 and 4.

The Board approves as recommended by the County Administrative Officer.

Consent Agenda Public Works - Board Sitting as Flood Control District:

17. Submittal of a resolution to levy assessments for Flood Control Zone 4 (Santa Maria River Levees). District 4.

Mr. Will Clemens – Public Works: speaks.

The Board approves as recommended by the County Administrative Officer. RESOLUTION NO. 2014-120, adopted.

Presentations:

18. Presentation of Richard J. Weyhrich Leadership Scholarship awards to students. All Districts.

Ms. Heidi McPherson - San Luis Obispo County Community Foundation Executive Director; and Ms. Kate Miller San Luis Obispo County Community Foundation: speak.

Mr. Donn Clickard: introduces the following Richard J. Weyhrich recipients: Ms. Bryanna Siguenza and Ms. Sydney Throop - Paso Robles High School; Ms. Ariana Torres - Templeton High School; Ms. Lauren Smith - Mission College Preparatory Catholic High School; Ms. Tamara Kaur Singh - Morro Bay High School (not present); Ms. Maia Hoffman and Mr. Alexander Stallman - San Luis Obispo High School; Ms. Kyann Varvel - Arroyo Grande High School; Ms. Maria Alcantar and Ms. Kyra Meko (not present) - Nipomo High School; and Mr. Joseph Johnson and Mr. Jack McGee - Atascadero High School, with Supervisors presenting each student or their representative with awards. **No action taken.**

Chairperson Gibson: tables Item No. 20, the 3rd Quarter Financial Report, to the afternoon calendar.

Public Comment Period:

- 19.** This is the time set for members of the public to address the Board on matters that are not scheduled on the agenda.

Ms. Julie Rodewald - County Clerk-Recorder: updates the Board on the June 3, 2014 election; and states the election division will be open to the public on Saturday, May 31, 2014 from 9:00 a.m. to 1:00 p.m.

Ms. Heidi Harmon; Mr. David Kooi; Ms. Ande Fieber (petitions); Mr. Lucas Carlow; Ms. Jeanne Blackwell (documents); and Ms. Martha Goldin: address concerns regarding hydraulic fracturing (fracking) and urges the Board to ban all fracking in the County.

Chairperson Gibson: directs staff to analyze the issue of hydraulic fracturing and bring back a discussion with options for the Board's consideration; and suggests this matter be referred to the Water Resources Advisory Committee (WRAC) and the Department of Planning and Building to gather background information and explore what is being done in other Counties throughout the State, with Board Members concurring; and with Supervisor Mecham, stating it is also important to hear from other local communities.

Mr. Tom Salmon and Ms. Linde Owen: comment on Chairperson Gibson. Additionally, Mr. Salmon speaks to Memorial Day and issues relating to Veteran's Affairs; and Ms. Owen comments on fracking.

Mr. Ben DiFatta: discusses various "Best of" categories in the New Times; and the Los Osos Wastewater Project (LOWWP).

Ms. Julie Tacker; Mr. Richard Margetson; and Mr. Eric Greening: comment on the students who were not given the opportunity to speak about hydraulic fracturing during general public comment period. Additionally, Ms. Tacker and Mr. Margetson, comment on a telephone survey regarding the Water Conservation Program in Los Osos. Furthermore, Mr. Greening requests clarification on the nature of the second referral regarding fracking to the WRAC.

Chairperson Gibson: clarifies he would like the WRAC to provide the Board with the results from their discussions regarding water issues surrounding hydraulic fracturing and oil well production; and further directs the staff to provide the Board with background information on the nature of a county ordinance (what our options are and what is being done elsewhere).

Supervisor Arnold: recommends staff seek input from other advisory bodies as well as the WRAC.

Mr. Dan Buckshi – County Administrative Officer (CAO): requests time to work this process through and have the opportunity to speak to department heads that would be involved to consider the best approach and will report back to the Board, with Chairperson Gibson stating would like to work with the CAO on this matter. **No action taken.**

Board Business:

- 21.** Review a request by the Land Conservancy of San Luis Obispo for \$1,000,000 of Park Public Facility Fees to assist in the purchase of the Pismo Preserve and approve a budget adjustment in the appropriate amount from Park Public Facility Fee Fund Center (FC) 247 to Parks Land Fund Center (FC)

30504. District 3.

Ms. Kaila Dettman - the Land Conservancy of San Luis Obispo County Executive Director (LCSLO): speaks.

Supervisor Hill: urges the Board consider funding \$1,100,000 that was recommended by County Parks and Recreation Commission; and to support a request to the City of Pismo Beach to match the County’s designated funding amount to the Land Conservancy of San Luis Obispo.

Chairperson Gibson: opens the floor to public comment.

Ms. Pandora Nash-Karner – Parks and Recreation Commission Chairperson; Mr. Kevin Drabinski; Ms. Wende David – LCSLO Director of Development (postcards); Mr. Jacob David; Mr. Erik Meyer (no speaker slip); Mr. Greg Bettencourt- Central Coast Concerned Mountain Bikers and the Cayucos Land Conservancy; Mr. Erik Howell (no speaker slip); Mr. Michael Specchierla; Mr. Rob Dodds – Ride Nipomo Equestrian Trail Alliance Vice-President; Mr. Randy Knight; Mr. Zack Smith, Mr. Brian Araujo, Mr. Jensen Severance, Mr. Cooper Merrill, Mr. Melchor (aka “David”) De La Garza, Ms. Christine DeLaby, and Ms. Jenna Clift - Nipomo High School Conservation Club; Ms. Kaylin Stewart, Ms. Abigail Pole, Mr. Wesley Maddox, Ms. Alexis Maddox, Ms. Megan Crist, Mr. Blaine Francis, Mr. Ben Kohlbush, and Mr. Deulin Vicars – Central Coast New Tech High School; Ms. Marilee Hyman - the League of Women Voters of San Luis Obispo County President; Mr. Bruce Severance; and Mr. Doug Tait – Morro Coast Audubon Society Conservation Committee: speak.

On motion by Supervisor Adam Hill, seconded by Supervisor Caren Ray, to approve \$1,100,000 as the appropriate funding amount and amends the resolution to reflect the amended funding amount, is discussed.

The Board reviews the report and determines that \$1,100,000 is an appropriate amount of Park Public Facility Fee funding to designate to the Land Conservancy for the acquisition of the property known as the Pismo Preserve. Further, the Board amends the resolution to change the amount of funding from \$1,000,000 to \$1,100,000; and RESOLUTION NO. 2014-121, a resolution of findings concerning use of parks public facility Fees to fund acquisition of Pismo Preserve, adopted as amended. Furthermore, the Board amends the Public Facility Fund, Public Facilities Financing Plan Chapter 3.3 Park Facility Inventory to include designating \$1,100,000 to the Land Conservancy for the purchase of Pismo Preserve as eligible for Public Facility Fee funding; approves a budget adjustment of the approved amount from the Park Public Facilities Fee Fund Center (FC) 247 to Parks-Land FC 30504 to fund acquisition of the property known as the Pismo Preserve; and authorizes the General Services Agency Director to complete and sign a written agreement between General Services Agency and the Land Conservancy of San Luis Obispo to include all appropriate requirements for the use of public funding.

Motion by: Adam Hill
Second by: Caren Ray

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

ADDED ITEM – Closed Session:

25. The Board announces they will be going into Closed Session regarding:
- I. PENDING LITIGATION (Government Code, section 54956.9.) It is the intention of the Board to meet in closed session concerning the following items: Conference with Legal Counsel-Existing Litigation (Government Code, section 54956.9(a).) (Formally initiated) 1. Nipomo Parks Conservancy v. County of San Luis Obispo.

II. CONFERENCE WITH LABOR NEGOTIATOR (Gov. Code section 54957.6.) It is the intention of the

Board to meet in closed session to have a conference with its Labor Negotiator Tami Douglas-Schatz concerning the following: Name of employee organizations are: 2. SLOCEA-Public Services, Supervisors, Clerical; 3. SLOCEA-Trades and Crafts; 4. DCCA; 5. SLOGAU.

III. PERSONNEL (Gov. Code, section 54957.) It is the intention of the Board to meet in closed session to: 6. Consider Public Employee Appointment for the Position of Director of Public Works.

(Added Item, per the addendum to the agenda. Requirements of the Brown Act have been satisfied as this notice was posted prior to the 72-hour noticing requirement.)

Chairperson Gibson: opens the floor to public comment without response.

Thereafter, pursuant to the requirements of the Brown Act, County Counsel reports out on the items discussed during Closed Session as follows: no report required as no final action was taken and the Board goes into Open Public Session.

Board Business:

20. Submittal of the Fiscal Year 2013-14 Third Quarter Financial Report. All Districts.

Chairperson Gibson: opens the floor to public comment without response.

The Board: 1) receives, reviews, and files the Fiscal Year (FY) 2013-14 Third Quarter Financial Report; 2) accepts cash donations in a total amount of \$66,956 on behalf of the Department of Social Services, Parks, Library, and Animal Services and approves associated adjustments as outlined in Section 4 of the FY 2013-14 Third Quarter Financial Report; 3) authorizes a budget adjustment from General Fund Contingencies in the amount of \$200,000 in Fund Center (FC) 135 – Public Defender for unbudgeted expenditures; 4) authorizes various budget adjustments totaling \$816,478 with no impact to the General Fund; 5) approves a request from the Department of Social Services FC 180 and Public works FC 130 for relief from accountability for uncollectible debt totaling \$13,584; and 6) approves a request from the General Services Agency to declare 11 vehicles as surplus, authorizes their removal from the County fleet, and authorizes their sale to recover salvage value in accordance with County Code section 2.36.030(5).

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Hearings:

22. Hearing to consider an amendment to the Growth Management Ordinance, Title 26 of the County Code, to update the fiscal year references for the maximum number of new dwelling units allowed for the Nipomo Mesa area for Fiscal Year 2014-15; exempt from the California Environmental Quality Act (CEQA). District 4.

Chairperson Gibson: opens the floor to public comment without response.

The reading of the proposed ordinance is waived and said proposed ordinance is read by title only and ORDINANCE NO. 3260, an ordinance amending Title 26 of the San Luis Obispo County Code, the Growth Management Ordinance, adopted.

Motion by: Caren Ray
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
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Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

Board Business:

23. Annual review of County Growth Rate in accordance with Title 26 of the County Code, Growth Management Ordinance and submittal of a resolution approving the annual growth rate for the unincorporated areas of the county. All Districts.

Chairperson Gibson: opens the floor to public comment.

Mr. Bill Pelfrey and Ms. Amanda Rice: speak.

RESOLUTION NO. 2014-122, a resolution of the Board of Supervisors of the County of San Luis Obispo approving the proposed growth rate and an additional carryover of 10% of the maximum allotment from the previous year for use in Fiscal Year 2014-15, resulting in an additional 110 units county-wide, adopted.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

24. Consideration of a request to authorize processing of possible amendments to the County Code and related amendments to the Conservation and Open Space, Agriculture and other elements and policies of the County General Plan in order to implement countywide water resource policies and strategies, as follows: 1) establish special growth limitations in the Growth Management Ordinance (Title 26); 2) increase minimum parcel sizes for new land divisions (Titles 22 and 23); 3) merge substandard parcels (Titles 21 and 22); and 4) apply the Transfer of Development Credits (TDC) program to constrained groundwater basins (Title 22). All Districts.

Chairperson Gibson: opens the floor to public comment.

Mr. Edward Veek; Mr. Greg Grewall; Mr. Tom Dawson; Mr. Gary Kirkland; Mr. Eric Greening (enters into the record petitions on banning hydraulic fracturing on behalf of Mr. David Kooi which should have been turned in during public comment); Mr. Mike Whiteford – Homebuilders Association Government Affairs Director; Mr. John Snyder (chart); Mr. Steve LePell; Ms. Cindy Steinbeck; Ms. Laura Mordaunt; Mr. Mike Brown – Coalition of Labor, Agriculture and Business (COLAB); Mr. Ted Gilbert; Ms. Joy Fitzhugh – Farm Bureau; Mr. Keith Gurnee; Ms. Bev Phifer; Ms. Laurie Alexiev; Ms. Jamie Kirk; Mr. David Gray – Homebuilders Association; Mr. Phil Gray; Mr. Bill Pelfrey; Ms. Patricia Wilmore - Paso Robles Wine County Alliance Government Affairs Coordinator; Ms. Amanda Rice; Mr. Denis Sullivan; Mr. Victor Montgomery; and Mr. Daniel Bohlman – the Land Conservancy of San Luis Obispo Conservation Director: speak.

On motion by Chairperson Bruce S. Gibson, seconded by Supervisor Adam Hill, to authorize staff to proceed with processing a Land Use Ordinance Amendment, similar to the one now enacted on a permanent basis for the Paso Robles Groundwater Basin, which prohibits increasing the density of non-agricultural uses in rural areas that have a Level of Severity II or III of water supply until such time that the level of severity is reduced to a Level of Severity I, with Supervisor Hill seconding the motion and adding staff direction to bring back as part of the analysis, alternatives for viable ag land which will be more water consumptive than a water neutral development, is discussed.

Supervisors Mecham, Arnold and Ray: outline their concerns with the motion.

On motion by Supervisor Adam Hill, seconded by Supervisor Frank R. Mecham, the Board unanimously agrees to continue the meeting past 5:00 P.M.

The Board authorizes staff to proceed with processing a Land Use Ordinance Amendment, similar to the one now enacted on a permanent basis for the Paso Robles Groundwater Basin, which prohibits increasing the density of non-agricultural uses in rural areas that have a Level of Severity II or III of water supply until such time that the level of severity is reduced to a Level of Severity I. Further, staff is directed to bring back, as part of the analysis, alternatives for viable ag land which will be more water consumptive than a water neutral development, motion fails.

Motion by: Bruce S. Gibson
Second by: Adam Hill

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)		x		
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)		x		
Arnold, Debbie (Board Member)		x		

On motion by Supervisor Debbie Arnold, seconded by Supervisor Frank R. Mecham, to not authorize processing of amendments as requested by staff, with Mr. Timothy McNulty - Assistant County Counsel, stating a motion is not necessary. The motion maker and the second withdrawal the motion.

On motion by Supervisor Adam Hill, to direct staff to look into a developing a new landscaping based incentive program, with Mr. Dan Buckshi - County Administrative Officer, stating the County is the water purveyor in four (4) communities which currently have incentive programs in place. Further, questions if the direction to staff is to be applied to the entire unincorporated area of the County, with the motion maker responding yes and Supervisor Frank R. Mecham, seconding the motion, is discussed.

Supervisor Ray: states she would like staff to explore all incentive programs.

Supervisor Hill and Chairperson Gibson: clarify the direction to staff.

The Board directs staff to include incentive based programs that result in landscape water reductions to the previously authorized processing of new landscaping requirements.

Motion by: Adam Hill
Second by: Frank R. Mecham

SUPERVISORS	AYES	NOES	ABSTAIN	RECUSE
Gibson, Bruce S. (Chairperson)	x			
Mecham, Frank R. (Vice Chairperson)	x			
Hill, Adam (Board Member)	x			
Ray, Caren (Board Member)	x			
Arnold, Debbie (Board Member)	x			

On motion duly made and unanimously carried, the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts, does now adjourn.

I, **JULIE L RODEWALD**, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors of the County of San Luis Obispo, and ex-officio clerk of the governing body of all other special assessment and taxing districts for which said Board so acts, do hereby certify that the foregoing is a fair statement of the proceedings of the meeting held Tuesday, May 20, 2014, by the Board of Supervisors of the County of San Luis Obispo, and ex-officio the governing body of all other special assessment and taxing districts for which said Board so acts.

JULIE L RODEWALD, County Clerk-Recorder and Ex-Officio Clerk of the Board of Supervisors

By: /s/ Annette Ramirez, Deputy Clerk-Recorder

DATED: May 28, 2014